

IC06 Rec'd PCTO 21 SEP 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

**Bruce L. KIEHNE**

Serial No : 10/528,422

Filed : March 18, 2005

ATTN: BOX PCT

For : SURGICAL SCALPEL WITH RETRACTABLE GUARD



**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. 371**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Missing Requirements under 35 U.S.C. 371, dated September 7, 2005, attorney for applicant encloses:

1) a combined Declaration and Power of Attorney, executed by the applicant, Bruce L. Kiehne;

2) a check for \$ 65.00, to cover the processing fee for a small entity;

3) a copy of the Notice of Missing Requirements under 35 USC 371.

If any additional fees fall due and owing, kindly charge same to deposit account 08-2455.

Respectfully submitted,

A handwritten signature in black ink that reads "Martin P. Hoffman". The signature is written in a cursive style.

Martin P. Hoffman  
Reg. No. 22,261

Hoffman, Wasson & Gitler, P.C.  
2461 South Clark Street  
Suite 522 - Crystal Center 2  
Arlington, Virginia 22202  
(703) 415-0100

Enclosures

September 20, 2005

09/26/2005 GFREY1 00000050 10528422

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/528,422	Bruce L Kiehne	A-9488

Hoffman Wasson & Gitler  
 2461 South Clark Street  
 Suite 522 - Crystal Center 2  
 Arlington, VA 22202

INTERNATIONAL APPLICATION NO.	
PCT/AU03/01187	
I.A. FILING DATE	PRIORITY DATE
09/10/2003	09/20/2002

CONFIRMATION NO. 4461  
 371 FORMALITIES LETTER  
 \*OC000000016884005\*  
 \*OC000000016884005\*

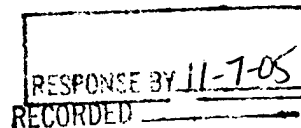
SEP - 9

Date Mailed: 09/07/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/18/2005
- Copy of the International Search Report filed on 03/18/2005
- Copy of IPE Report filed on 03/18/2005
- Preliminary Amendments filed on 03/18/2005
- Information Disclosure Statements filed on 03/18/2005
- Small Entity Statement filed on 03/18/2005
- Request for Immediate Examination filed on 03/18/2005
- U.S. Basic National Fees filed on 03/18/2005
- Priority Documents filed on 03/18/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/528,422	PCT/AU03/01187	A-9488

FORM PCT/DO/EO/905 (371 Formalities Notice)